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Attorneys for defendant Hudepohl Construction Company

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WEST DIVISION
CINCINNATI, OHIO

ROY A. KEMPF, et al.

Case No. C-1-00-0144

This matter came before the court for (a status conference on) March 6, 2003. No
Plaintiffs,

one appeared on behalf of the plaintiffs. At that time, the court dismissed the case for
v.

want of prosecution and allowed the plaintiffs thirty days from the order to
CINCINNATI INSURANCE COMPANY, DEFENDANT HUDEPOHL
refile their complaint. The plaintiff then filed CONTRUCTIONS MOTION TO DISMISS
FOR WANT OF PROSECUTION

of intention to substitute Defendants. In the motion, counsel for the plaintiffs, Mark Anthony,
represented to the court that he would inform the court and defense counsel of the
plaintiffs new representation within thirty days. That motion was filed on March 28,
2003. The court subsequently allowed the plaintiff to reopen the case.

The plaintiffs have done absolutely nothing on this matter since the court allowed
them to reopen their case. This case has been pending before the court for quite some
time and a number of representations have been made by the plaintiff's counsel that
have not been kept. Numerous depositions have been scheduled previously and
cancelled because of Mr. Anthony's representations that he was withdrawing from the
case and that new counsel will be substituted. The court has given the plaintiffs ample
opportunities to present their case and the plaintiffs have failed to do so or decided not
to do so. It is blatantly unfair to keep this action alive against Hudepohl Construction
Company when the plaintiffs are doing nothing at all to prosecute it. Consequently,
defendant Hudepohl Construction Company prays that the court dismiss the plaintiffs
complaint with prejudice for want of prosecution.

Respectfully submitted,

/s/Stephen M. Yeager

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of March, 2004 the foregoing was filed electronically with the Clerk of Court using the CM/ECFF system which will send notification to the following: Mark A. Anthony, Esq., 7970 Clio Road, Centerville, Ohio 45459 and Kent W. Seifried, Esq., Poston, Seifried & Schloemer, The Fifth Street Center, 525 West Fifth Street, Suite 318, Covington, Kentucky 41011.

/s/ Stephen M. Yeager

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